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43

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BANGALORE, THURSDAY, FEBRUARY 22, 1940.

PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

Order No. P. 5470—*Legis.* 43-39-1, *dated Bangalore, the* 10*th February* 1940.

Ordered that the accompanying Act to provide for the grading and marking of agricultural produce which received the assent of His Highness the Maharaja, on the 1st day of February 1940, be published as Act No. VI of 1940, in the *Mysore Gazette* for general information.

C. SUBRAHMANYA AIYAR,
Secretary to Government,
Law Department.

ACT No. VI OF 1940.

THE AGRICULTURAL PRODUCE (GRADING AND MARKING) ACT, 1940.

An Act to provide for the grading and marking of agricultural produce.

(Received the assent of His Highness the Maharaja on the first day of February 1940.)

WHEREAS it is expedient to provide for the grading and marking of agricultural produce; It is hereby enacted as follows:—

Short title and extent.

1. (*i*) This Act may be called the Agricultural Produce(Grading and Marking) Act, 1940.

(*ii*) It extends to the whole of Mysore.

Definitions.

2. In this Act unless the contrary appears from the subject or context:—

(*a*) "agricultural produce" means any produce of agriculture or horticulture and includes all produce animals and their hides, skins and wool, and any article of food or drink, wholly or partially manufactured from agricultural produce and declared by the Government by notification in the official Gazette to be agricultural produce for the purposes of this Act.

(*b*) "counterfeit" has the meaning assigned to that word by section 28 of the Indian Penal Code, as in force in Mysore;

(*c*) "covering" includes any vessel, box, crate, pot, wrapper, tray or other container;

(*d*) "grade designation" means a designation prescribed as indicative of the quality of any scheduled article;

(*e*) "grade designation mark" means a mark prescribed as representing a particular grade designation;

(*f*) "quality" in relation to any article includes the state and condition of the article;

(*g*) "prescribed" means prescribed by rules made under this Act;

(*h*) "scheduled article" means an article included in the Schedule; and

(*i*) an article is said to be marked with a grade designation mark, if the article itself is marked with a grade designation mark or any covering containing or label attached to such article is so marked.

Prescription of grade designation.

3. The Government may, after previous publication by notification in the official Gazette, make rules—

(*a*) fixing grade designations to indicate the quality of any scheduled article;

(*b*) defining the quality indicated by every grade designation;

(*c*) specifying grade designation marks to represent particular grade designations;

(*d*) authorising a person or a body of persons subject to any prescribed conditions, to mark with a grade designation mark any article in respect of which such mark has been prescribed or any covering containing or label attached to any such article;

(*e*) specifying the conditions referred to in clause (*d*) including in respect of any article conditions as to the manner of marking, the manner in which the article shall be packed, the type of covering to be used, and the quantity by weight, number or otherwise to be included in each covering;

(*f*) providing for the payment of any expenses incurred in connection with the manufacture or use of any implement necessary for the reproduction of a grade designation mark or with the manufacture or use of any covering or label marked with a grade designation mark; and

(*g*) providing for the confiscation and disposal of produce marked otherwise than in accordance with the prescribed conditions with a grade designation mark.

Penalty for unauthorised marking with grade designation mark.

4. Whoever marks any scheduled article with a grade designation mark, not being authorised to do so by rules made under section 3, or under any other Act in force for the time being, shall be punishable with fine which may extend to five hundred rupees.

Penalty for counterfeiting grade designation mark.

5. Whoever counterfeits any grade designation mark or has in his possession any die, plate or instrument for the purpose of counterfeiting a grade designation mark shall be punished with imprisonment which may extend to two years, or with fine or with both.

Extension of application of Act.

6. The Government after such consultation as it thinks fit of the interests likely to be affected may, by notification in the official Gazette declare that the provisions of this Act shall apply to an article of agricultural produce not included in the Schedule, and on the publication of such notification such article shall be deemed to be included in the Schedule.

THE SCHEDULE.

(See section 2).

(1) Fruit.
(2) Vegetables.
(3) Eggs.
(4) Tobacco other than cigarette-tobacco as defined in the Mysore Cigarette-tobacco Safeguarding Act, 1939.
(5) Areca.

MIRZA M. ISMAIL,
Dewan.

Order No. P. 5471—Legis. 44-39-1, dated Bangalore, the 10th February 1940.

Ordered that the accompanying Act further to amend the Mysore City Municipalities Act, 1933, which received the assent of His Highness the Maharaja, on the 1st day of February 1940, be published as Act No. VII of 1940, in the *Mysore Gazette* for general information.

C. SUBRAHMANYA AIYAR,
Secretary to Government,
Law Department.

ACT No. VII OF 1940.

The Mysore City Municipalities (amendment) Act, 1940.

(Received the assent of His Highness the Maharaja on the first day of February 1940.)

WHEREAS it is expedient further to amend the Mysore City Municipalities Act, 1933; It is hereby enacted as follows:—

Short title.

1. This Act may be called the Mysore City Municipalities (amendment) Act, 1940.

2. For section 90 of the Mysore City Municipalities Act, 1933, the following section shall be substituted, namely :— Substitution of new section for section 90, Act VII of 1933.

"90. (1) Any person,— Penalty for selling articles liable to octroi without a licence or for being in possession of any such article on which octroi has not been paid.

(*a*) selling or keeping for sale without a licence any article liable to octroi and for the sale of which a licence is required to be obtained, or

(*b*) having in his possession any article on which octroi has not been paid but which is liable to octroi and for the sale of which a licence is required to be obtained,

shall be liable, on conviction before a Magistrate, to a fine not exceeding ten times the octroi due on all the articles so sold or kept for sale, or possessed, or one hundred rupees, whichever may be greater ; and

(2) any officer of the Municipal Council authorised by the Municipal Council in this behalf, if he has reason to believe that any article on which octroi has not been paid but which is liable to octroi and for the sale of which a licence is required to be obtained is kept or concealed in any premises may, after obtaining the warrant of a Magistrate, enter and search at any time such premises and if he finds any such article on which octroi has not been paid, may seize any such article and arrest any person in possession of the same : Seizure of articles on which octroi duty has not been paid and arrest of person in possession of such articles.

Provided that any article or person so seized or arrested shall be produced before a Magistrate exercising jurisdiction within the municipality within twenty-four hours from the time of such seizure or arrest :

Provided also that nothing in this section shall apply to any article liable to octroi and for the sale of which a licence is required to be obtained, if the value of such article does not exceed two hundred rupees in value and if it is kept by any person for the personal use of himself or any member of his family or sold by such person when not required for such use.

(3) The provisions of the Code of Criminal Procedure, 1904, shall, so far as may be, apply to all searches and arrests effected under this section." Searches and arrests to be governed by the Code of Criminal Procedure, 1904.

MIRZA M. ISMAIL,
Dewan.

Order No. P. 5472—Legis. 44-39-2, dated Bangalore, the 10th February 1940.

Ordered that the accompanying Act further to amend the Mysore Town Municipalities Act, 1933, which received the assent of His Highness the Maharaja, on the 1st day of February 1940, be published as Act No. VIII of 1940, in the *Mysore Gazette* for general information.

C. SUBRAHMANYA AIYAR,
Secretary to Government,
Law Department.

ACT No. VIII OF 1940.

The Mysore Town Municipalities (amendment) Act, 1940.

(Received the assent of His Highness the Maharaja on the first day of February 1940.)

WHEREAS it is expedient further to amend the Mysore Town Municipalities Act, 1933, it is hereby enacted as follows :—

Short title.

1. This Act may be called the Mysore Town Municipalities (amendment) Act, 1940.

Substitution of new section for section 85, Act VIII of 1933.

2. For section 85 of the Mysore Town Municipalities Act, 1933, the following section shall be substituted, namely :—

Penalty for selling articles liable to octroi without a licence or for being in possession of any such article on which octroi has not been paid.

"85. (i) Any person—

(*a*) selling or keeping for sale without a licence any article liable to octroi and for the sale of which a licence is required to be obtained, or

(*b*) having in his possession any article on which octroi has not been paid but which is liable to octroi and for the sale of which a licence is required to be obtained,

shall be liable, on conviction before a Magistrate, to a fine not exceeding ten times the octroi due on all the articles so sold or kept for sale, or possessed, or one hundred rupees, whichever may be greater ; and

(ii) any officer of the Municipal Council authorised by the Municipal Council in this behalf, if he has reason to believe that any article on which octroi has not been paid but which is liable to octroi and for the sale of which a licence is required to be obtained is kept or concealed in any premises may, after obtaining the warrant of a Magistrate, enter and search at any time such premises and if he finds any such article on which octroi has not been paid, may seize any such article and arrest any person in possession of the same:

Seizure of articles on which octroi duty has not been paid and arrest of person in possession of such articles.

Provided that any article or person so seized or arrested shall be produced before a Magistrate exercising jurisdiction within the municipality within twenty-four hours from the time of such seizure or arrest:

Provided also that nothing in this section shall apply to any article liable to octroi and for the sale of which a licence is required to be obtained, if the value of such article does not exceed two hundred rupees and if it is kept by any person for the personal use of himself or any member of his family or sold by such person when not required for such use.

(iii) The provisions of the Code of Criminal Procedure, 1904, shall, so far as may be, apply to all searches and arrests effected under this section."

Searches and arrests to be governed by the Code of Criminal Procedure, 1904.

MIRZA M. ISMIAL,
Dewan.

Order No. P. 5473—Legis. 45-39-1, dated Bangalore, the 10th February 1940.

Ordered that the accompanying Act to provide for certain matters in connection with the taking of the census which received the assent of His Highness the Maharaja, on the 1st day of February 1940, be published as Act No. IX of 1940, in the *Mysore Gazette* for general information.

C. SUBRAHMANYA AIYAR,
Secretary to Government,
Law Department.